

August 24, 2009

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins presiding. Others attending were Supt. Gray; Chief Beloit; Chief Waters; Andy Hoehn; Judy Whitten; Aaron Burk – Bernardin Lochmueller & Associates, Inc.; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting, Supt. Givens; and Comm. Maynard.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Fuelling moved the claims presented be allowed for payment. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

*****CLAIMS*****

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Bookkeeper Bennett.

Board member Curtis stated, on a good note, he sees a net gain in July at least.

Mayor Tucker asked if there were questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Supt. Givens arrived at the meeting.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?

Board member Hoehn stated as this Board gets ready to ask taxpayers to pay more for their water in this tough economy, she feels the Board should be responsible, proactive, and transparent and put a time clock in at the water department. She added this would be in an effort to show the Board is doing all they can do to show transparency.

Board member Curtis added the Street Department already has a time clock.

Supt. Givens added the Sewer Department has one as well.

Board member Curtis stated he has no objections but wondered about the cost ? He suggested Supt. Gray look into that.

Board member Hoehn added she is not asking for anything extravagant.

Comm. Maynard arrived at the meeting.

Supt. Givens stated he believes they can get one for around \$300.00 or so.

Sup. Gray stated if the Board wants a time clock that is fine with him. He then asked if they have received a complaint ?

Board member Hoehn replied that other departments have them, and she believes the Board needs to do all they can do to cut costs. She added they need to stay on focus and do their part, perception is nine-tenths of the law and they need to be responsible and proactive.

Supt. Givens added it is easier for him to keep track of what people are working.

Board member Curtis agreed and added they still need supervision and evaluation, he agrees with that.

He then stated he has had no complaints that is not the reason why they are asking this. He added he feels Supt. Gray should proceed on checking on the cost and report back to the Board, along with rules and regulations that will need to be put in place, etc.

Board member Fuelling replied that is fine with him.

Board consented.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins presiding. Others attending were Chief Beloit; Chief Waters; Andy

Hoehn; Judy Whitten; Aaron Burk – Bernardin Lochmueller & Associates, Inc.; Sara Manifold – Mount Vernon Democrat; arriving during the meeting, Supt. Givens; Comm. Maynard; and Attorney Higgins.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Hoehn stated she has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Fuelling stated the new generator has been installed and is close to being in operation.

Chief Waters added the city had to pay to have the gas line run but that was their only expense.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report, but a representative of Bernardin Lochmueller is here.

Aaron Burk approached and stated they have completed 2,000 linear feet of the project, though they are a hair behind schedule, they will still be done by the end of October. He continued by stating they have set several poles as well at E & S Housing and upgraded the service to three phase 240 volt. He then stated the Street Department new building is ready to go up and the manhole rehab is on schedule. He added there will be a small change order, #1, for the Mayor to sign that deals with extra soil, additional tracks removal, and some work from June – pretty straight forward.

Mayor Tucker asked if there were any questions ?

Mr. Burk stated if anyone has any questions, they can just give him a call.

Board member Higgins asked if the work will be past the festival location by September 11 ?

Mr. Burk replied he believes it already is, though they will not be asphaltting until the end of the project. He then added the contractor is doing a really good job, even considering the week delay they had at the Locust and Water Street intersection. He concluded by stating as of Friday, they were several houses past that location.

Supt. Givens stated he has some figures for the Council on possible charges on rental of the Vac Con truck that they had discussed at the previous meeting. He added if the Council adopts these charges, they will also be used for the camera truck.

Councilwoman Higgins stated her concern is that the city could be taking money from the private sector with this, which is something the Council does not want to do.

Supt. Givens agreed and added he does not want to do that either and was afraid this might open a can of worms. He then stated the Council needs to decide. He added this would only be needed in unique situations where the city sewer department is the only one available to do the work.

Councilman Fuelling stated it is a good idea.

Councilman Curtis and Councilwomen Askren and Hoehn also agreed.

Councilman Curtis stated they want to be sure they do not charge less than a private contractor.

Attorney Higgins stated Supt. Givens is not trying to solicit business, he just needs a schedule of charges in the event they are needed.

Councilman Curtis stated as they are not in it for the business part of it, they need to go with the higher figures.

Council agreed.

Attorney Higgins stated they will need to adopt an ordinance setting forth rates, in case of emergency, for the benefit of the wastewater treatment plant.

Councilwoman Askren added pertaining to city work.

Councilman Curtis stated for a backhoe and an operator, \$50 an hour is cheap.

Comm. Maynard agreed but then added the city street department is not a private contractor.

Councilman Curtis replied he understands that.

Comm. Maynard stated they do have to, at times, take down condemned houses, do the mowing on weed ordinance work orders, but that is all work the city has ordered done.

Councilwoman Hoehn asked if Comm. Maynard feels the rates are correct, as they were approved back in 1993 ?

Comm. Maynard replied no, they are low.

Councilman Curtis stated they need some protection for the departments more than anything else and it should be clear that any work done, would be at the department head discretion.

Supt. Givens stated he is only asking these rates be instated for the Vac Con and camera truck.

Councilwoman Hoehn stated they need the total cost to operate the machinery, including manpower.

Councilman Curtis stated he feels they should go with the going rate.

Mr. Burk stated he can pull union labor rates and the Council could go off that.

Councilman Curtis stated he does not really want to do this in the first place, but in emergencies, they need to have something in writing to know what to charge.

Mayor Tucker stated he feels the rates the city charges should be equal to, or higher than that of the private sector.

Councilman Curtis added Supt. Givens does not HAVE to rent the equipment out either.

Mayor Tucker agreed, but added sometimes, they have no choice.

Councilman Curtis again stated he feels they should go with a high rate, which would be the easiest way.

Supt. Givens stated he would like Council to know that this situation is not unusual, it happens in almost every community.

Mayor Tucker stated the rates really do need to be updated, that way the department heads can hand out the schedule of rates and charges if they are asked.

Councilman Curtis added maybe they can have more accurate figures at the next meeting from contractors to plug into the ordinance. He again stated, he does not want the city competing with contractors.

Mr. Burk stated he can share that information with the Council.

Councilman Curtis stated he would appreciate department head input, yea or nay, and then they can establish the fees.

Councilman Fuelling added he feels that anything with rates in it should be revisited every so often to be sure they are still accurate figures.

Supt. Givens stated the ordinance should also state that any work should be at the discretion of the department head.

Council concurred to have Attorney Higgins draft the ordinance, which they will then review.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated listed on the Agenda is the first reading of the Ordinance Amending the Schedule of Rates and Charges to be Collected by the City of Mount Vernon, Indiana from the Customers Served by the Municipal Water Utility of the City of Mount Vernon, Indiana. She reminded Council this ordinance will also affect the fire hydrant rental currently being paid monthly by the City General Fund and take that rate from \$781.56 per hydrant to \$959.93 per hydrant. She added the General Fund is poor, and Scott Miller of Umbaugh reminds them they can proceed with the General Fund having to FIND the money, which would be a huge concern, or there is a statute that authorizes the hydrant rental to become another line item on customers' water bills. She stated that would remove that expense from the General Fund.

Councilwoman Hoehn stated they would be paying it either way, either in taxes, or as a line item on their water bills.

Attorney Higgins agreed those were the two scenarios. She then added Umbaugh can run those numbers for placing the hydrant rental on bills. She stated the water department has really stepped up their hydrant testing and they are much better now, but this fee would apply to all fire hydrants.

Councilwoman Hoehn asked if the fee would be dependent on meter size ? She then stated she would like to see that number, though the thought of charging customers that does not make her feel good.

Councilman Fuelling stated the customer would definitely know at that point they were being charged, good or bad.

Councilman Curtis asked if they would have to use a different system of billing ?

Councilwoman Hoehn replied she would not think so, as it is brand new.

Councilman Curtis stated he was referring to the actual billing card itself, not the computer system.

Attorney Higgins stated she would be concerned about the rate payers as well.

Mrs. Judy Whitten approached and stated she is a rate payer and she does come to these meetings and they have had \$3 increase here on trash, then a \$5 increase there, now a \$10 increase with maybe even a larger one come the first of the year.....She stated at this rate, the water and sewer rates could double in a year and she added she realizes there is no avoiding the sewer work on Water Street, that was mandated by the State. She then stated she was not sure about the urgency of Phase II. But, she stated, the Council is all about energizing Mount Vernon and she would hate to see the Council deter folks from coming here or encourage them to leave because of these rates. She added she knows the Council is concerned, and this is a big step to take.

Councilwoman Hoehn stated she hates to see small business and households have to eat this, and she feels it looks like a back door attack. She added right now that fee is being taken care of by taxes, it would just seem like a back door attack to her.

Councilman Curtis replied call it what you will, but so far all that work that has been done has been mandated work, the city has to pay for it. He added with no Aventura coming in, that really hurt. He

stated he does not want to deter folks from coming to Mount Vernon, or run people off, but if there isn't adequate water and sewer, they won't come anyway. He then stated he knows a lot of people that would really be hurt by an extra \$5 or so on their water bills, it could make a huge difference to some and he does not take that lightly.

Councilwoman Hoehn agreed.

Councilman Fuelling added the stimulus money did help to some degree.

Councilman Curtis stated Mount Vernon's rates are still somewhere in the middle compared to other municipalities.

Attorney Higgins stated just needs to be careful that they don't get behind, as usually increases are across the board.

Councilman Curtis stated he realizes even two weeks can make a difference, and sooner is better than later, but maybe they could pass the ordinance on first reading and then see what this other option may be.

Attorney Higgins stated they also need to get notices out on bills, a public hearing will need to be held on September 28, with a publication on September 16. She also reminded Council they want to advertise what they intend to pass, the new information can be heard at their meeting in the 14th of September.

Councilman Curtis then moved the ordinance pass first reading, as written. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the FEMA money that Comm. Maynard hoped to get was received July 21 and Clerk-Treasurer Wolfe has receipted that into the MVHF Fund, \$43,364.63. She stated the money is now there but can not be spent until appropriated and Comm. Maynard has requested an Additional Appropriation Ordinance to do that. She reminded Council that not only is there an ordinance required but also a public hearing. She then stated she and Clerk-Treasurer Wolfe need direction from Council on how to proceed. She added Comm. Maynard's goal was to purchase a new lightning loader with the money.

Councilwoman Hoehn asked if this money was recouped from the ice storm ?

Attorney Higgins replied yes.

Councilman Fuelling stated the equipment at the street department is old and pretty run down and this particular piece of equipment is a pretty important piece, though it is expensive. He added Comm. Maynard may be able to get the price down some with a trade in and some negotiation.

Councilwoman Higgins stated the last two winters have been bad, they really need this equipment.

Councilman Fuelling stated he is concerned about the money, but payments could be spread out over a few years.

Comm. Maynard stated he would use the FEMA money as the down payment and then the Board of Works could approve the purchase (after 3 quotes/bids are received) and the financing would follow.

Councilwoman Hoehn asked that Comm. Maynard consider one thing, this equipment is used exclusively for this purpose, and she wondered if it could be put on a trailer with a 5th wheel truck, it might reduce cost and he would then have another truck for his department. She concluded by stating it is just a thought.

Comm. Maynard stated there are a lot of uses for this equipment, but they mainly use it for picking up heavy appliances.

Attorney Higgins stated they can run the process concurrently with Comm. Maynard getting quotes and actually finding the equipment, as there is no need for an appropriation until he has the equipment to buy.

Comm. Maynard stated he could not afford to do this without the FEMA money. He added there equipment is old and in poor condition.

Councilman Fuelling stated he likes that fact that he can point to a piece of equipment and say "that was purchased with FEMA money".

Attorney Higgins stated she would be remiss if she didn't inform Council that they can do an additional appropriation ordinance, but with no approved 2009 budget, the State can not approve and additional. She added other entities are going ahead with the process as well, but it is just a reminder to the Council.

Councilman Curtis moved they proceed. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follow:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilwoman Hoehn stated she has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated Larry Robb of the EMA contacted her about their building location of 3rd and Mill - they would like angle parking on the 3rd Street side. She added he indicated they needed more parking and would like the Council to consider that.

Comm. Maynard added the street is wide enough but questioned whose property it was, city or county ?

Councilwoman Higgins replied it may be county property, or half and half. She added that needs to be checked into and reported back to Mr. Robb.

Attorney Higgins stated before any painting, etc is done, they need an ordinance.

Councilwoman Higgins continued by stating she has received complaints about the intersection of 3rd and Main and accidents there. She added she spoke with Chief Beloit and he informed her that is the third highest intersection for accidents in the city.

Councilman Curtis asked how many accidents they are talking about ?

Councilwoman Higgins replied two or three, though, again, the third highest.

Councilman Fuelling stated he feels that people just need to be more careful, they need to watch.

Councilwoman Higgins stated she just wanted to bring it up. She concluded by inviting everyone to River Days.

Mayor Tucker stated River Days is indeed September 11-12, 2009 and the committee has done an excellent job and this year should be bigger and better. He then thanked the committee for their efforts. He continued by stating September 2-6, 2009 there will be a Jungle Safari, a traveling zoo, at Southwind Plaza; and August 26 will be the silo demolition fundraiser kick off at 11:30 a.m. He added there will be a meal and everyone is invited.

Councilman Fuelling asked if there are any other concerts scheduled for this year ?

Mayor Tucker replied no.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Wolfe
Clerk-Treasurer